

AMENDED IN SENATE AUGUST 18, 2010
AMENDED IN SENATE AUGUST 17, 2010
AMENDED IN SENATE JUNE 30, 2010
AMENDED IN SENATE APRIL 28, 2010
AMENDED IN ASSEMBLY JANUARY 25, 2010
AMENDED IN ASSEMBLY APRIL 23, 2009
AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 537

**Introduced by Assembly Member Arambula
(Coauthors: Assembly Members Caballero and Solorio)**

February 25, 2009

An act to add Section 10072.1 to the Welfare and Institutions Code, relating to public benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Arambula. Farmers' markets: electronic benefit transfers.

Existing law, administered by the State Department of Social Services, provides for the establishment of a statewide electronic benefit transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians.

This bill would allow an interested collective group or association of produce sellers *that is Food and Nutrition Service (FNS) authorized and* in a flea market, farmers' market, or certified farmers' market-~~or~~

its designated Food and Nutrition Service (FNS) authorized agent to initiate and operate an EBT acceptance system in the market, as specified. The bill would provide that an individual produce seller in a market is not prohibited from operating his or her own individual EBT acceptance activity as part of that seller's personal business customer transaction offering.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10072.1 is added to the Welfare and
2 Institutions Code, to read:

3 10072.1. (a) The Legislature finds and declares that flea
4 markets, farmers' markets, and certified farmers' markets are
5 important sources of low-cost produce for Californians in need of
6 food assistance.

7 (b) (1) An interested collective group or association of produce
8 sellers *that is Food and Nutrition Service (FNS) authorized and*
9 actively participating in produce sales in a market described in
10 subdivision (a) ~~or its designated Food and Nutrition Services (FNS)~~
11 ~~authorized agent~~ may initiate and operate an electronic benefit
12 transfer (EBT) acceptance system on behalf of its members, to the
13 extent and manner allowed by federal law and regulation. The
14 market operator shall allow and accommodate the FNS-authorized
15 group or association in a reasonable manner that aids in the
16 creation, implementation, and operation of its EBT acceptance
17 system. The allowance and accommodation by the market operator
18 mandated by this section is limited solely to the activity of the
19 operation of the EBT acceptance system by the group or
20 association. No other activities are authorized without the express
21 permission of the market operator.

22 (2) This subdivision shall not apply to a market described in
23 subdivision (a) that currently or subsequently operates an EBT
24 acceptance system.

25 (c) Nothing in this section or any other provision of law shall
26 prohibit an individually FNS-authorized produce seller in a market
27 described in subdivision (a) from operating his or her own
28 individual EBT acceptance activity as part of that seller's personal
29 business customer transaction offering.

1 (d) Nothing in this section shall be interpreted to require a
2 market described in subdivision (a) to itself create, operate, or
3 maintain an EBT acceptance system on behalf of its produce
4 sellers.

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